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**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No.: ARCD:307USD1

Prior Application Examiner: J. Enewold Goldberg

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**BOX PATENT APPLICATION** 

Commissioner for Patents Washington, D.C. 20231

Classification Designation: 435-006.00

Prior Group Art Unit: 1655

## REQUEST FOR FILING DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/422,869 filed October 21, 1999, entitled "METHODS OF TREATMENT OF TYPE 2 DIABETES."

Enclosed is a copy of the prior application Serial No. 09/422,869 as originally filed, including specification, claims, drawings, and declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such

		willfu	il talse s	statement may jeopardize the validity of the application or any patent	
		issuing thereon.			
		(a)	$\boxtimes$	The inventorship is the same as prior Application Serial No.	
				09/422,869.	
		(b)		Deletion of inventor(s). Signed statement attached deleting	
				inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2)	
				and 1.33(b).	
		(c)		Priority of foreign patent application number , filed in	
				is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:	
				is enclosed.	
				has been filed in the prior Application Serial No.	
	2.	The C	Commis	sioner is requested to grant Applicant a filing date in accordance with	
		Rule	1.53, an	nd supply Applicant with a Notice of Missing Parts in due course, in	
		accor	dance w	with the provisions of Rule 1.53(f).	
$\boxtimes$	3.	Enclo	sed is a	check in the amount of \$956.00 to cover the filing fee as calculated	
		belov	v and th	ne fee for any new claims added in the Preliminary Amendment	
		referr	ed to in	Part No. 9 below.	

## CLAIMS AS FILED IN THE PRIOR APPLICATION LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA		RATE	FEE	
Basic Fee					\$355.00	
Total Claims	69 - 20 =	49	X	\$9.00 =	\$441.00	
Independent Claims	7 - 3 =	4	X	\$40.00 =	\$160.00	
Multiple Dependent	Claim(s)				\$-000	
		TOTAL FILI	NG FE	ES:	\$956.00	

- Applicant is entitled to Small Entity Status for this application.  $\boxtimes$
- A small entity statement is enclosed. (a)
- A small entity statement was filed in the prior nonprovisional application and  $\boxtimes$ (b) such status is still proper and desired.
  - Small entity status is no longer claimed. (c)
- If the check is missing or insufficient, the Commissioner is hereby authorized to 5.  $\bowtie$ charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Fulbright & Jaworski L.L.P. Account No.: 50-1212/10100104/01985.
- Enclosed is a copy of the current Power of Attorney in the prior application.  $\boxtimes$ 6.
- $\boxtimes$ Address all future communications to: 7.

Gina N. Shishima FULBRIGHT & JAWORSKI L.L.P. 600 Congress Avenue, Suite 2400 Austin, Texas 78701 (512) 536-3081

	$\boxtimes$	8.	The prior application is presently assigned to Board of Regents, The University of
			Texas System and ARCH Development Corporation.
	$\boxtimes$	9.	Enclosed is a preliminary amendment. Any additional fees incurred by this
			amendment are included in the check at No. 3 above and said fee has been
			calculated after calculation of claims and after amendment of claims by the
			preliminary amendment.
		10.	Cancel in this application claims of the prior application before calculating
			the filing fee. (At least one original independent claim must be retained).
		11.	Amend the specification by inserting before the first line the sentence:This is a
			divisional of co-pending application Serial No. filed
Nove them theel theel each them treet time		12.	Enclosed are formal drawings.
		13.	An Information Disclosure Statement (IDS) is enclosed.
There does			(a) PTO-1449.
			(b) Copies of IDS citations.
Fr back bare then Hr Back	$\boxtimes$	14.	Transfer the sequence information, including the computer readable form previously
<u>.</u>			submitted in the parent application, Serial No. 09/422,869 filed October 21, 1999,
			for use in this application. Under 37 C.F.R. § 1.821(e), Applicants state that the

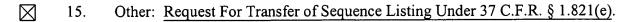
sequence listing.

paper copy of the sequence listing in this application is identical to the

computer readable copy in parent application Serial No. 09/422,869 filed

October 21, 1999. Under 37 C.F.R. § 1.821(f), Applicants also state that the

information recorded in computer readable form is identical to the written



[X] 16. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,

Gina N. Shishima Reg. No. 45,104

Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P. 600 Congress Avenue, Suite 2400 Austin, Texas 78701 (512) 536-3081

Date: January 23, 2001